1	HOUSE BILL NO. 399
2	INTRODUCED BY N. BALLANCE
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE SALE OF EGGS AT A FARMER'S MARKET
5	FROM LICENSURE AND GRADING REQUIREMENTS; AMENDING SECTIONS 50-50-202 AND 81-20-206,
6	MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	
10	**Section 1.** Section 50-50-202, MCA, is amended to read:
11	**"50-50-202. Establishments exempt from license requirement -- farmer's market records.** (1)
12	Establishments owned or operated by the state or a political subdivision of the state that employ a full-time
13	sanitarian are exempt from licensure but shall comply with the requirements of this chapter and rules adopted
14	by the department under this chapter.
15	(2) (a) A license is not required to operate an establishment if it is operated by a nonprofit organization
16	for a period of less than 14 days in 1 calendar year. An establishment exempt from licensure under this
17	subsection:
18	(i) must be operated in compliance with the remaining provisions of this chapter and rules adopted by
19	the department under this chapter; and
20	(ii) prior to each operation, shall register with the local health officer or sanitarian on forms provided by
21	the department.
22	(b) Nonprofit organizations or persons selling baked goods or preserves exclusively for a charitable
23	community purpose are exempt from registration if they notify the local health officer or sanitarian, by phone or
24	in person, before the event. The notification required is limited to the date and time of the event, items planned
25	to be sold, and an estimate of the number of people expected to be served at the event.
26	(3) (a) (i) A license is not required of a gardener, farm owner, or farm operator who sells raw and
27	unprocessed farm products or whole shell eggs at a farmer's market.
28	(ii) Whole shell eggs sold at a farmer's market by a farm owner or operator must:
29	(A) be clean, free of cracks, and stored in clean cartons;
30	(B) be kept at a temperature established by the department; and

1   (C) carry a label indicating the name and address of the farm owner or operator selling the eggs.

2   (b) A license is not required of a person selling baked goods or preserves at a farmer's market or

3   exclusively for a charitable community purpose.

4   (4) (a) A farmer's market that is an organized market authorized by a municipal or county authority shall

5   keep registration records of all individuals and organizations that sell baked goods or preserves at the market.

6   (b) The registration records must include but are not limited to the name of the seller, the seller's address

7   and telephone number, the products sold by the seller, and the date the products were sold.

8   (c) The registration records must be made available to the local health officer or the officer's agent."

9

10   **Section 2.** Section 81-20-206, MCA, is amended to read:

11   **"81-20-206. Notice to purchaser of grade of eggs.** It is unlawful for a person to sell, offer, or expose

12   for sale at wholesale or retail any eggs for human consumption without notifying the person purchasing or

13   intending to purchase the eggs of the exact grade or quality and size or weight of the eggs, according to the

14   standards prescribed by the department of livestock, by stamping or printing on the container of the eggs the

15   grade or quality and size or weight ~~and, if~~. If the eggs are offered for sale in bulk, ~~without also displaying in a~~

16   ~~conspicuous place at the point where the eggs are offered or exposed for sale~~ a placard or sign printed in letters

17   2 inches high must be displayed in a conspicuous place at the point where the eggs are offered or exposed for

18   sale giving the grade, quality, size, weight, and date of grading. This part does not affect the sale of eggs by ~~the~~

19   ~~producers~~ a producer when the consumer purchases the eggs at the place of production or at a farmer's market

20   as defined in 50-50-102."

21

22   NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

23   - END -